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SUBJECT: IRELAND - 2005 ANNUAL ANTI-TRAFFICKING IN PERSONS
(TIP) REPORT

REF: 04 STATE 273089

1. (SBU) Summary: Once a poor nation characterized by large scale emigration, Ireland is now economically prosperous and an attractive destination for thousands of asylum and job-seekers. The unprecedented flow of people into Ireland has prompted the Government to address issues relating to border control, residency rights, labor standards, and social inclusion. As part of these efforts, the Government has made good faith efforts to investigate trafficking-in-persons cases and to improve its understanding of the problem through training and participation in international conferences. Current statistics and evidence, however, do not indicate that trafficking is a present danger. The most reliable NGOs in Ireland believe that there were 14 cases or fewer of trafficking in the last year.

2. (SBU) Post has engaged the Irish Government at the highest level to stress Ireland's role in fighting European and global trafficking. We also have urged the Government to develop a national action plan, to promote awareness through media campaigns, and to form an interagency task force to conduct investigations. The Ambassador, DCM, POL/ECON chief, and Embassy political, economic, and consular officers discussed trafficking with the Departments of Foreign Affairs and Justice, Health Boards, the Immigration Bureau, and local police as well as numerous NGOs. Based on these many in-depth discussions, we have concluded that there is insufficient evidence to warrant the inclusion of Ireland in the 2005 TIPS report. Post will continue to urge the GOI and NGOs to improve cooperation to identify, assess, and prosecute cases of trafficking. End Summary.

3. (SBU) The following items are keyed off reftel.

I. Overview of a country's activities to eliminate trafficking in persons:

--A. Is the country a country of origin, transit or destination for international trafficked men, women, or children? Specify numbers for each group. Does the trafficking occur within the country's borders? Does it occur in territory outside of the government's control (e.g. in a civil war situation)? Are any estimates or reliable numbers available as to the extent or magnitude of the problem? Please include any numbers of victims. What is (are) the source(s) of available information on trafficking in persons? How reliable are the numbers and these sources? Are certain groups of persons more at risk of being trafficked (e.g. women and children, boys versus girls, certain ethnic groups, refugees, etc.)?

In September 2004, the national police (Garda) and the Police Service of Northern Ireland (PSNI) issued a joint report on organized crime throughout the island (the Republic of Ireland and the UK area of Northern Ireland), including results of their investigation into trafficking. The police services concluded that there is no indication of a present danger of human trafficking, but there are clear indications of smuggling, most typically from Northern Ireland to the Republic of Ireland, and violations of labor and immigration law. Over the past year, the Garda National Immigration Bureau (GNIB) and local Detective Units investigated several suspected instances of trafficking. In December 2004, Dublin courts ruled for conviction in one of the first trafficking case in the country. In January 2005, the GNIB charged another defendant with trafficking, and the national police report that investigations into other charges of trafficking are ongoing. Last year also saw the launch of Operation Quest, a major operation in which police raided lap-dance clubs across the country. Operation Quest was launched explicitly because of allegations of trafficking in the industry, but police found no evidence of trafficking. The women were interviewed under protected conditions and with interpreters. All claimed to be working in such clubs by choice. Many remained in contact with police subsequently, but none alleged trafficking.

The government's conclusion that trafficking is not currently a major problem in Ireland is echoed by the most reliable

NGOs, who say that there were 14 cases of trafficking or fewer in the last year. These NGOs say that most situations they see involve violations of labor and immigration law, but not trafficking. A few NGO's cite a larger number of cases but cannot substantiate their claims. Under Irish law, "trafficking" encompasses both smuggling and trafficking; the NGOs citing large numbers of cases may be using this broad definition. Despite repeated meetings with embassy officers, those alleging a higher number of cases were not able to substantiate their claims.

In the view of government and NGOs, rapid economic growth has made Ireland a magnet for immigration, both legal and illegal. There is common agreement that a close eye needs to be kept on certain sectors to ensure they remain free of trafficking. Areas of concern include the sex industry, agriculture, and domestic help. In March 2005, the government announced plans to consolidate all visa, work permit and immigration matters in one agency.

--B. Where are the persons trafficked from? Where are the persons trafficked to?

Police confirm that the women they talked to during Operation Quest tended to be on a European circuit. They usually stay in one location for six to nine months before circulating to another European country. They indicated that they traveled voluntarily. According to NGOs and police, the vast majority of smuggling into Ireland involves people from Eastern Europe. To a lesser extent, people travel from Africa, South America and Asia. The majority enter Ireland from Northern Ireland, according to NGO and government sources. Ireland is one of the only EU countries not to restrict workers from the 10 new EU members, and low-end service industries have become dependent on immigrant workers. NGOs believe this makes Ireland a magnet for people from these countries. However, they also say the government is trying to encourage employers to hire legal workers from the 10 new Member States in an effort to cut down on illegal immigration.

--C. Have there been any changes in the direction or extent of trafficking?

The direction and extent of alleged trafficking remain constant. Most concerns about trafficking revolve around the sex industry. The government and NGOs believe smuggling is occurring in the agricultural and domestic services industries, and that these industries might become vulnerable to trafficking.

--D. Are any efforts or surveys planned or underway to document the extent and nature of trafficking in the country? Is any additional information available from such reports or surveys that was not available last year?

In September 2004, the Garda and Police Service of Northern Ireland published a joint study into organized crime on the island, including trafficking. The two police services concluded that was no evidence of trafficking, but there are indications of smuggling.

The International Organization for Migration (IOM) conducted research on possible child trafficking in Ireland that was published in 2004, based on research from 2003. The study, Trafficking in Unaccompanied Minors in Ireland, was the first of its kind and was co-funded by the Irish Department of Justice, Equality and Law and coordinated by IOM Dublin and Paris. The study's objectives were to examine the legal framework in Ireland for addressing the prosecution of perpetrators of trafficking in minors, to describe the institutions and services for the protection of unaccompanied minors, and to identify policy responses being implemented to combat trafficking in children and protect victims. The report found that Ireland has a "relatively modern and comprehensive legal framework in place to prosecute suspected trafficking in children... While there was evidence of extensive resources applied to trafficking investigations, this has not manifested itself in successful prosecutions." The study found that approximately 10% of unaccompanied minors coming into Ireland are the subject of investigation in relation to criminal trafficking or smuggling by adults. As for the sex industry, the report noted that, "Compared with other European capital cities, the sex industry in Ireland is relatively new and small. There is no tradition of tolerance zones." It also noted that Ireland's economic growth and influx of immigrants makes it "fertile for the development of contemporary trafficking in human beings for both labour and sexual exploitation."

In 2004, the Migrant Rights Centre Ireland published a report highlighting the vulnerability of non-national women employed in private homes in Ireland. The report called on the government to establish a section within the Labour Inspectorate to investigate and monitor conditions among domestic workers.

--E. If the country is a destination point for trafficked victims: What kind of conditions are the victims trafficked into? Are they forced to work in sweatshops, agriculture, restaurants, construction sites, prostitution, nude dancing, domestic servitude, begging, or other forms of labor, exploitation, or services? What methods are used to ensure their compliance? Are the victims subject to violence, threats, withholding of their documents, debt bondage, etc.?

NGOs reported women usually work in the sex industry either as prostitutes or lap dancers, and often live in brothels or apartments controlled by traffickers. The country is not a destination point for trafficked victims on any major scale. As cited earlier, the women interviewed in Operation Quest denied that they had been coerced to work in the lap-dance clubs that employed them. In the course of their regular work, police and immigration officials refer women in need to social services and NGOs.

NGOs report that women are often approached by people they know (boyfriend, relative, etc.) and brought into the country on fraudulent grounds. NGOs, Health Board members and other GOI officials suspect abuse of the asylum policy, such that an individual will claim asylum and receive social welfare benefits only to disappear during proceedings.

The Government and NGOs report that English language schools are sometimes used as fronts for bringing in persons for illegal labor. NGOs say that ministries worked closely with them to develop new regulations. In April 2005, the GOI plans to implement a new regulation requiring that foreign students must be enrolled in a Department of Education recognized course for one year in order to be qualified to work. Currently, students may work up to twenty hours a week from the time they arrive. This new law, which is still undergoing Government review, is a response to investigations revealing large numbers of students enrolled, but not attending English language classes.

In 2004, 52 children disappeared from the care of the East Coast Area Health Board. Based on their investigations, Irish police and DoJ officials believe that these represent cases of smuggling with the purpose of reunifying recently arrived families and for employment opportunities, not trafficking. The Garda National Immigration Bureau investigation unit, which judges that the majority of these cases involve persons 16-25 years old who claim to be substantially younger, has set children as its top priority. NGOs share the governments concern about the vulnerability of these children.

--F. If the country is a country of origin: Which populations are targeted by the traffickers? Who are the traffickers? What methods are used to approach victims? (Are they offered lucrative jobs, sold by their families, approached by friends of friends, etc.?) What methods are used to move the victims (e.g., are false documents being used)?

There is no evidence that Ireland is a country of origin for trafficking.

--G. Is there political will at the highest levels of government to combat trafficking in persons? Is the government making a good faith effort to seriously address trafficking? Is there a willingness to take action against government officials linked to TIP? In broad terms, what resources is the host government devoting to combating trafficking in persons (in terms of prevention, protection, prosecution)?

The Prime Minister and Justice Minister have spoken publicly and privately about the need to deter trafficking. In December 2004, the Minister of State for Development referred to trafficking as "a particularly despicable violation of human rights." He pledged that Ireland would develop a National Report on trafficking for the Organization for Security and Cooperation in Europe (OSCE). In December 2004, Ireland hosted its Sixth Annual NGO Forum on Human Rights, which focused in part on trafficking. At the 2004 UN General Assembly and at the Commission for Human Rights, Ireland co-sponsored resolutions on trafficking in women and girls.

Significantly, Ireland used its EU presidency in the first half of 2004 to focus more attention on women, including trafficking. Ireland hosted a Conference on Violence Against Women (May 2004), which focused on trafficking and other forms of violence. As EU president, it also hosted a Conference on Gender Equality (May 2004) and one on Gender Mainstreaming (April 2005).

As noted earlier, Operation Quest was a national police investigation into possible trafficking, smuggling, and exploitation of workers in lap dance clubs. 400 police officers were engaged; all had had training in advance,

including from NGOs. The police raided brothels across the country; 127 persons from 27 countries were interviewed; translators were present as needed. Police expected to find some instances of trafficking and had in place safe houses to which to transfer the women immediately and social services and NGOs on alert. No evidence of trafficking was found. Many of the women maintained contact with the police after the raid; none ever alleged trafficking or sought police protection or help returning home.

NGOs interviewed by post report that the GOI is making good faith efforts to deter trafficking, although they would like to see the government do more to raise public awareness, strengthen anti-trafficking legislation, and provide for victim support.

--H. Do governmental authorities or individual members of government forces facilitate or condone trafficking, or are they otherwise complicit in such activities? If so, at what levels? Do government authorities (such as customs, border guards, immigration officials, labor inspectors, local police, or others) receive bribes from traffickers or otherwise assist in their operations? What punitive measures, if any, have been taken against those individuals complicit or involved in trafficking? Please provide numbers, as applicable, of government officials involved, accused, investigated, prosecuted, convicted and sentenced.

No government authority or individual member of government facilitates or condones trafficking. Bribery of public officials in Ireland is quite rare. (Ireland's Transparency International Rating is 7.5, the same as Belgium and the United States.)

--I. What are the limitations on the government's ability to address this problem in practice? For example, is funding for police or other institutions inadequate? Is overall corruption a problem? Does the government lack the resources to aid victims?

Immigration into Ireland, including illegal immigration, is a relatively new phenomenon, so the government has only recently put into place the necessary staff, resources, and procedures to deal with this increased flow. Beyond basic budgetary concerns, there is no unique limitation of resources to address trafficking. Irish police and border authorities are competent and well-run.

--J. To what extent does the government systematically monitor its anti-trafficking efforts (on all fronts -- prosecution, prevention and victim protection) and periodically make available, publicly or privately and directly or through regional/international organizations, its assessments of these anti-trafficking efforts?

The GNIB works under the Irish National Police but carries out its immigration functions on behalf of the Minister of Justice. This system ensures a sharing of information among immigration policy makers, immigration officers, and national police. A GNIB representative also participates in an information-sharing forum of NGOs working to combat trafficking and to deter violence against women. The government does not specifically track, and therefore does not publish, trafficking statistics, nor does it have a formal inter-agency task force.

--K. Is prostitution legalized or decriminalized? Specifically, are the activities of the prostitute criminalized? Are the activities of the brothel owner/operator, clients, pimps, and enforcers criminalized? If prostitution is legal and regulated, what is the legal minimum age for this activity?

Prostitution itself is not illegal under Irish law, but it is an offense to solicit another person for the purposes of prostitution or to be involved in organized prostitution.

II. PREVENTION:

--A. Does the government acknowledge that trafficking is a problem in that country? If so, why not?

The Irish Government acknowledges that there is anecdotal information about Ireland as a possible destination and transit country for trafficking. It has not found evidence that the problem presently exists in any measurable scale. It investigates allegations of trafficking.

--B. Which government agencies are involved in anti-trafficking efforts?

Agencies of the Irish National Police (Garda) are primarily responsible for operational anti-trafficking efforts. The Department of Justice creates trafficking legislation and provides support to the police. The Garda National Immigration Bureau is responsible for all matters pertaining

to Immigration. Within the National Support Services, the National Bureau of Criminal Investigation has responsibility for investigations of trafficking in human beings.

In conjunction with the GNIB, the Departments of Justice and Foreign Affairs participate in regional and international conferences on trafficking. The Department of Foreign Affairs also is engaged through development assistance, EU, COE and OSCE obligations, and the co-sponsorship of resolutions at the UN and UNHCR.

-- C. Are there or have there been government-run anti-trafficking public information or public education campaigns? If so, briefly describe the campaign(s), including their objectives and effectiveness. Do these campaigns target potential trafficking victims and/or the demand for trafficking (e.g. "clients" of prostitutes or beneficiaries of forced labor)?

The government has not yet launched a public information campaign against trafficking, and Embassy officials have urged it to do so, citing the government's effective public information campaigns against drunk driving and HIV/AIDS as good examples. In September 2004, the Irish Department of Justice and the national police launched a website, www.missingkids.ie, dedicated to locating missing children. Most of the children that are missing in Ireland are non-nationals and arrived in Ireland as unaccompanied minors seeking asylum.

--D. Does the government support other programs to prevent trafficking? (e.g., to promote women's participation in economic decision-making or efforts to keep children in school.) Please explain.

The Irish Government co-funds IOM's "return and reintegration" program, which is designed to reunite families divided by migration. The Garda established a Garda Racial and Intercultural Office to train the police to effectively interact with the new minorities that have immigrated to Ireland in recent years. Training focuses on gaining the trust of minority communities and encouraging community members to approach police and report crime.

--E. Is the government able to support prevention programs?

The GOI focus at this time is detecting trafficking.

--F. What is the relationship between government officials, NGOs, other relevant organizations and other elements of civil society on the trafficking issue?

All NGOs report excellent working relationships with Garda and the government, with whom they deal on a regular basis. Police and Immigration officials regularly refer potential victims of trafficking to various NGOs. NGOs, while desiring more comprehensive legislation, strongly commend the initiative of individual law enforcement and government officials, and salute cooperation with the government, especially on the ground and at the executive level. In regard to government policies and actions, NGO views varied from those who believed the government was doing as well as could be expected, to those who wanted to see more action at the highest levels and the formation of an interagency task force. Some felt the government would not take more action unless trafficking became more prevalent and public concern grew. All NGOs agreed the government should provide more victim support to trafficking victims and more support and supervision for unaccompanied minors.

The Immigration Division of the Department of Justice, Equality and Law Reform works closely with the GNIB to combat illegal immigration. To facilitate the tracking of potential victims, the GNIB shares its immigration database with local police precincts and a UK immigration official posted to the GNIB headquarters. Cooperation and coordination with NGOs takes place through direct contacts between the Irish Government and the relevant NGOs. Ireland en Route (IER) is a loose network of government agencies, NGOs, academics and other experts who meet three times per year to communicate on topics such as training for police, EU and domestic legislation, best practices and other trafficking issues. It is not a national action plan or task force, but does facilitate the coordination of anti-trafficking efforts.

The Department of Foreign Affairs brought together a wide array of NGOs and governmental officials at the "Women and Human Rights" Convention in December 2004.

The Department of Justice, Equality and Law Reform consulted widely with transportation companies prior to the introduction of legal sanctions in the Immigration Act, 2003. This Act followed the 2001 creation of a voluntary Code of Practice with the Irish Road Haulage Association to encourage greater vigilance in ensuring that covert passengers were not present in vehicles arriving in Ireland.

--G. Does the government adequately monitor its borders? Does it monitor immigration and emigration patterns for evidence of trafficking? Do law enforcement agencies respond appropriately to such evidence?

Yes, the government monitors its borders and immigration and emigration patterns for evidence of trafficking, and law enforcement agencies respond appropriately to such evidence. Immigration officers are present at all air and seaports within the state. In 2003, a new information technology system equipped with a passport reader and facial recognition technology was introduced to allow immigration officers at the border to link-up with a database at GNIB headquarters in Dublin. Immigration officials also take fingerprints of most visitors entering the country who have entry visas. Ireland has a land border with Northern Ireland that is difficult to monitor due to numerous unmanned crossing points, and police on both sides of the border say this is the predominant crossing point for illegal immigrants. An estimated 12,000 illegal movements take place at the border with Northern Ireland every year. Immigration officers from the GNIB and from local districts monitor certain crossing points periodically.

--H. Is there a mechanism for coordination and communication between various agencies, such as a multi-agency working group or a task force? Does the government have a trafficking in persons task force? Does the government have a public corruption task force?

De facto law enforcement coordination exists as a result of the multiple functions of the GNIB. The GNIB works under the direction of the Garda, but its immigration function is carried out on behalf of the Minister of Justice. This ensures constant contact between immigration policy makers, immigration police, and regular police. At the policy level, officials from different agencies coordinate their actions on an as-needed basis.

--I. Does the government coordinate with or participate in multinational or international working groups or efforts to prevent, monitor, or control trafficking?

The government works closely with the UK, France, Spain and the Netherlands. It is engaged multilaterally through the EU, EUROPOL, the OSCE, the UN, and the Council of Europe.

--J. Does the government have a national plan of action to address trafficking in persons? If so, which agencies were involved in developing it? Were NGOs consulted in the process? What steps has the government taken to disseminate the action plan?

The government does not currently have a plan exclusively to address trafficking, but immigration officials keep current on suspected trafficking patterns and investigate regularly. In December, the Minister of State for Development publicly pledged to submit a national plan of action to the OSCE.

--K. Is there some entity or person responsible for developing anti-trafficking programs within the government? The Department of Justice and the Garda National Immigration Bureau develop anti-trafficking programs within the government. The DFA coordinates international cooperation and development assistance.

III. INVESTIGATION AND PROSECUTION OF TRAFFICKERS:

--A. Does the country have a law specifically prohibiting trafficking in persons--both trafficking for sexual exploitation and trafficking for non-sexual purposes (e.g. forced labor)? If so, what is the law? Does the law(s) cover both internal and external (transnational) forms of trafficking? If not, under what other laws can traffickers be prosecuted? For example, are there laws against slavery or the exploitation of prostitution by means of coercion or fraud? Are these other laws being used in trafficking cases? Are these laws, taken together, adequate to cover the full scope of trafficking in persons?

There are presently four Laws that deal with trafficking in persons - The Immigration Act 2003, The Illegal Immigrants (Trafficking) Act, 2000, The Child Trafficking and Pornography Act, 1998, and The Proceeds of Crime Act, 1996. Under current Irish law, "trafficking" encompasses both smuggling and trafficking.

The Immigration Act requires carriers operating aircraft, ferries, or other vehicles bringing persons to Ireland from any area except the Common Travel area between Ireland and the UK, to ensure that those passengers are in possession of the necessary immigration documentation. The Act provides for a fine for passengers traveling with inadequate documentation.

In addition, the Act requires Government Departments, local authorities, health boards, the police, and the Refugee

Applications determination bodies to share information on non-nationals, including applicants for refugee status, in order to ensure compliance with laws relating to their entry, residence, and removal from the State.

The Illegal Immigrants (Trafficking) Act, 2000 made it an offense for a person to organize or knowingly facilitate the entry into the State of a person whom he knows to be, or has reasonable cause to believe to be, an illegal immigrant or person who intends to seek asylum. While this law more correctly describes smuggling, a trafficker would also be subject to this law. Section 2 of this Act would apply most readily to traffickers, as it specifically prohibits bringing in illegal immigrants for the financial gain of those facilitating the entry. The penalty on conviction of indictment for this offense is an unlimited fine, or up to 10 years imprisonment, or both. The penalty for a guilty plea, however, is a maximum of 12 months incarceration and a fine not to exceed euro 1,500.

The Child Trafficking and Pornography Act makes it an offense, inter alia, to organize or knowingly facilitate the entry into, transit through, or exit from the State of a child for the purpose of sexual exploitation, or to provide accommodation to such a child while in the State. The maximum penalty is life imprisonment.

The Proceeds of Crime Act allows for the confiscation of assets of those involved in criminal activity, including trafficking in people. In addition, the assessment of tax liability on the illegal earnings may be pursued.

--B. What are the penalties for traffickers of people for sexual exploitation? For traffickers of people for labor exploitation?

The one crime of trafficking covers both offenses. If the circuit court deals with a case, then the penalty can include up to a euro 1500 fine and 12 months in jail. If a case is appealed to the district court, then the penalty is a maximum of ten years imprisonment, there is no cap on the fine.

--C. What are the penalties for rape or forcible sexual assault? How do they compare to the penalty for sex trafficking?

Under Irish Law, the maximum sentence possible for rape is life imprisonment (eight years is the average sentence), and the maximum possible sentence for aggravated sexual assault is life imprisonment. This is similar to the penalty for Child Trafficking as provided for in the Child Trafficking and Pornography Act 1998.

--D. Has the Government prosecuted any cases against traffickers? If so, provide numbers of investigations, prosecutions, convictions, and sentences, including details on plea bargains and fines, if relevant and available. Are the traffickers serving the time sentenced: If no, why not? Please indicate whether the government can provide this information, and if not, why not? (Note: complete answers to this section are essential. End Note)

In December 2004, Dublin courts sentenced a Portuguese man to prison for nine months and fined him euro 1,000 for attempting to traffic two Brazilian women. He was the first person to be convicted of trafficking in Ireland. In January 2005, the GNIB charged a Nigerian-born man under trafficking laws for attempting to bring 14 non-nationals into the country. The national police report that investigations into other charges of trafficking are ongoing.

--E. Is there any information or reports of who is behind the trafficking? For example, are the traffickers freelance operators, small crime groups, and/or large international organized crime syndicates? Are employment, travel and tourism agencies or marriage brokers fronting for traffickers or crime groups to traffic individuals? Are government officials involved? Are there any reports on where profits from trafficking in persons are being channeled? (e.g. armed groups, terrorist organizations, judges, banks, etc.)

The limited trafficking that may occur is believed to involve criminals with international links. Some anecdotal reports indicate that agents may be hired by lap dancing clubs to find young women from European sex industry circuits. NGOs report that, though highly organized, there is no centralized trafficking. There are no allegations of involvement by government officials.

--F. Does the government actively investigate cases of trafficking? (Again, the focus should be on trafficking cases versus migrant smuggling cases.) Does the government use active investigative techniques in trafficking in persons investigations? To the extent possible under domestic law, are techniques such as electronic surveillance, undercover operations, and mitigated punishment or immunity for

cooperating suspects used by the government? Does the criminal procedure code or other laws prohibit the police from engaging in covert operations?

The GOI does actively investigate alleged cases of trafficking. When there is suspicion of trafficking, the Government responds appropriately. Operation Quest was a case in point, in which police thoroughly questioned those involved in raids to determine if they were trafficking victims, and maintained contact in subsequent months. Operation Quest resulted in the closings of several lap-dance clubs. Even though the underlying motive for the investigations was suspicion of trafficking, no victims claimed to be trafficked, and police prosecuted only for work permit violations and prostitution violations. In another instance, Irish authorities investigated illegal immigrants brought from Mauritius. The facts revealed that the Mauritians were smuggled, not trafficked, and arrived hoping for better jobs and social benefits.

--G. Does the government provide any specialized training for government officials in how to recognize, investigate, and prosecute instances of trafficking? The government provides training in country and sends officials to seminars and conferences abroad. Some examples follow:

--Law enforcement personnel receive specialized training in country, including from NGOs.

--Irish law enforcement organizations take part in European-wide conferences on the prevention of organized exploitation of women and children and are part of the Interpol Working Group on Trafficking in Human Beings. This group developed a manual of best practices for investigators that provides practical guidelines for investigators and a structured way to locate advice on a specific issue.

--In September, the Irish Department of Foreign Affairs sent officials to attend the OSCE conference on "Ensuring Human Rights Protection in Countries of Destination: Breaking the Cycle of Trafficking."

--In October 2004, GOI officials attended the Curriculum Development on Combating Trafficking in Human Beings at the Geneva Center for Security Policy.

--In June, Ireland, as a member of the Euro-Atlantic Partnership Council (EAPC) endorsed the NATO Policy on Combating Trafficking in Human Beings. In September, the Department of Foreign Affairs sent individuals to a follow-up conference on implementing the NATO policy.

--H. Does the government cooperate with other governments in the investigation and prosecution of trafficking cases? If possible, can post provide the number of cooperative international investigations on trafficking?

The GOI does cooperate with other governments in the investigation of prosecution of trafficking victims. Irish officials are posted at French ports that provide ferry service to Ireland to liaise with French counterparts and deter trafficking. The GNIB has established operational cooperation with immigration and police authorities in both the United Kingdom and France, major transit points for illegal immigration into Ireland, with a particular focus on trafficking and smuggling activity. Garda liaison officers are also assigned to Russia and China to interact with local law enforcement authorities on immigration and trafficking matters. Additionally, the GNIB liaises with carrier companies whose routes may be vulnerable to traffickers.

--I. Does the government extradite persons who are charged with trafficking in other countries? If so, can post provide the number of traffickers extradited? Does the government extradite its own nationals charged with such offenses? If not, is the government prohibited by law from extraditing its own nationals? If so, what is the government doing to modify its laws to permit the extradition of its own nationals?

Yes. The Irish Government can extradite its own nationals to countries that have a reciprocal agreement with Ireland. There have been no trafficking-related extraditions to date.

--J. Is there evidence of government involvement in or tolerance of trafficking, on a local or institutional level? If so, please explain in detail.

There is no evidence of government involvement in or tolerance of trafficking, on a local or institutional level.

--K. If government officials are involved in trafficking, what steps has the government taken to end such participation? Have any government officials been prosecuted for involvement in trafficking or trafficking-related corruption? Have any been convicted? What actual sentence was imposed? Please provide specific numbers, if available.

There is no evidence of government involvement in trafficking.

--L. If the country has an identified child sex tourism problem (as source or destination), how many foreign pedophiles has the government prosecuted or deported/extradited to their country of origin? Does the country's child sexual abuse laws have extraterritorial coverage (like the U.S. PROTECT Act)?

Ireland does not have an identified child sex tourism problem. The GOI has authority to deport non-national pedophiles according to the strictures of its extradition treaty with the country of origin of the arrested individual.

--M. Has the government signed, ratified, and/or taken steps to implement the following international instruments? Please provide the date of signature/ratification if appropriate.

--ILO Convention 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labor.

--ILO Convention 29 and 105 on forced or compulsory labor.

--The Optional Protocol to the Convention on the Rights of the Child (CRC) on the sale of children, child prostitution, and child pornography.

--The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime.

ILO Convention 182 was ratified on December 12, 1999.

ILO Convention 29 was ratified on June 11, 1958.

ILO Convention 105 was ratified on March 2, 1931.

The Optional Protocol to the Convention on the Rights of a Child was signed on September 7, 2000, and ratifying legislation is being prepared.

The Protocol to Prevent, Suppress, and Punish Trafficking in Persons was signed in December 2000, and ratifying legislation is being prepared.

IV. PROTECTION AND ASSISTANCE TO VICTIMS:

--A. Does the government assist victims, for example, by providing temporary to permanent residency status, relief from deportation, shelter and access to legal, medical and psychological services? If so, please explain. Does the country have victim care and victim health care facilities? If so, can post provide the number of victims placed in these care facilities?

The GOI provides care for separated children seeking asylum. The Department of Health receives referrals from Immigration Officials and the Office of the Refugee Applications Commissioner. National health boards are responsible for the care of children (17 and younger) and provide social, medical, psychological, and educational services as well as family reunification when possible. In 2004, 617 unaccompanied children requested asylum in Ireland.

The national police report that suspected victims of trafficking/smuggling are referred to humanitarian NGOs, such as Ruhama or the International Organization for Migration for care. NGOs in Ireland provide food, shelter, social and medical care, and legal assistance if desired. NGOs occasionally help in cases of deportation. Police and NGOs report that some women turn to NGOs for temporary assistance, only to disappear and return to the sex industry elsewhere on the European circuit.

--B. Does the government provide funding or other forms of support to foreign or domestic NGOs for services to victims? Please explain.

The Department of Justice, Equality and Law reform provided a euro 200,000 grant to Ruhama for victim support services. The government also provided support in terms of funds and personnel to Ireland En Route and co-funded IOM's Trafficking in Unaccompanied Minors in Ireland report. The government also provided funding to organizations like the International Organization for Migration, SPIRASI (an NGO that deals with victims of torture), and the Immigrant Council of Ireland, that do not specifically address trafficking, but occasionally may work with trafficking victims.

Development Cooperation Ireland (the development agency within the Department of Foreign Affairs) provided euro 200,000 to the ILO-created Special Action Programme to Combat Forced Labour (SAP-FL), designed to help EU Member States tackle the forced labor outcomes of trafficking. Funding for

2005 and 2006 will increase to euro 400,000 per annum.

Development Co-operation Ireland is currently funding ECPAT International, an NGO that is strengthening protection of children in Central America from commercial sexual exploitation. Funding from 2002 - 2005 for the project will be approximately 100,000 Euros.

--C. Is there a screening and referral process in place, when appropriate, to transfer victims detained, arrested or placed in protective custody by law enforcement authorities to NGO's that provide short- or long-term care?

Police regularly make referrals to Ruhama and other NGOs, who then provide women with care and support.

--D. Are the rights of victims respected, or are victims also treated as criminals? Are victims detained, jailed, or deported? If detained or jailed, for how long? Are victims fined? Are victims prosecuted for violations of other laws, such as those governing immigration or prostitution?

NGOs report that women suspected of being trafficking victims are generally treated well, but there have been instances in rural areas where police, unfamiliar with the trafficking phenomenon, have initially detained women in prison. Alleged victims have also been held in jail until the courts were satisfactorily able to determine their true identity.

Ireland is a signatory to the EU's Framework Decision on the Standing of Victims in Criminal Proceedings to harmonize the treatment of victims of crime across the EU. GOI implementing legislation requires the police to show special sensitivity in relations to victims of sexual offenses.

--E. Does the government encourage victims to assist in the investigation and prosecution of trafficking? Can victims file civil suits or seek legal action against the traffickers? Does anyone impede the victims' access to such legal redress? If a victim is a material witness in a court case against the former employer, is the victim permitted to obtain other employment or to leave the country? Is there a victim restitution program?

NGOs report that the police encourage women to assist in investigations, but do not pressure them to do so. Victims may file suit, but as non-nationals and in many cases, non-English speakers working in illegal or questionable jobs, the judicial processes may be intimidating. The case brought forth must be ironclad, which is rare in trafficking, or the victim may not be able to retain counsel. The victim must be able to post bond for filing suit, and if she loses the case, must pay the legal costs of the winner. If a victim is in violation of immigration law, she is also subject to immediate deportation.

--F. What kind of protection is the government able to provide for victims and witnesses? Does it provide these protections in practice? How many shelters does the government run or fund (in full or in part)? How much funding does the government provide for shelters?

The government has a witness protection program but has not applied it to trafficking cases thus far. Both the government and NGOs provide shelter to people in need, but there are no shelters specifically earmarked for victims of trafficking or smuggling.

--G. Does the government provide any specialized training for government officials in recognizing trafficking and in the provision of assistance to trafficked victims, including the special needs of trafficked children? Does the government provide training on protection and assistance to its embassies and consulates in foreign countries that are destination or transit countries? Does it urge those embassies and consulates to develop ongoing relationships with NGOs that serve trafficked victims?

Social workers, members of the Special Unaccompanied Minors Unit in the Dublin Health Board, the GNIB, national police, and staff of the Refugee Applications Commissioner are trained to spot possible trafficking victims. The GNIB works closely with UK counterparts to review and track cases of suspected trafficking. While DFA officials participate in international conferences and training sessions, the diplomatic corps as a whole is not specifically trained regarding assistance or support for trafficking victims.

--H. Does the government provide assistance, such as medical aid, shelter, or financial help, to its repatriated nationals who are victims of trafficking?

N/A

--I. Which international organizations or NGOs, if any, work with trafficking victims? What type of services do they

provide? What sort of cooperation do they receive from local authorities?

There are several smaller NGOs, particularly minority or immigration rights NGOs, who may indirectly come into contact with trafficking victims. However, the most active organizations are:

- Ruhama - Ruhama provides support to women who have been trafficked for sexual exploitation. Ruhama provides emergency accommodation, if possible, social and psychological support, referrals to health and legal authorities, and assistance in accessing educational and employment opportunities.

- International Organization for Migration, Dublin - In relation to trafficking, IOM carries out information campaigns, provides counseling service, conducts research on trafficking, and assists victims who willingly want to return to his or her home country.

- Ireland En Route - Ireland En Route is a Forum on Trafficking of Women and Children for Sexual Exploitation. This is a multi-agency group comprised of Health Board representatives, police, members of the GNIB, and NGOs. The forum was set up in 2000 to raise awareness and address some of the issues associated with trafficking of women and children for sexual exploitation. It also attempts to disseminate trafficking information within the group and with other organizations.

- Doras Luimni - Doras Luimni seeks to assist refugee and asylum seekers in the west of Ireland. It assists appropriate people in finding housing, educational opportunities, and completing the asylum procedures. Doras Luimni also attempts to inform the local community in dealing with issues regarding asylum-seekers and multiculturalism.

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15. (U) The number of hours spent compiling this report by embassy employee is as follows:

Name, rank and time spent:

Ambassador James Kenny, FA-NC) 3 hours

DCM Jonathan Benton, FS-01) 5 hours

POL/ECON Chief Mary Daly, FS-01 - 25 hours

Economics Officer Joe Young, FS-02 - 10 hours

POL/ECON officer Tom Rosenberger, FS-04) 80 hours

POL/ECON OMS Tim Markley, FS-06) 2 hours

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